

REMARKS/ARGUMENTS

Claim 1 is the only independent claim pending in the present application. Claim 1 has been rejected under 35 USC 102(b) as anticipated by Lee et al. ("Lee"). Reconsideration and withdrawal of the rejection are respectfully requested in view of the claim modifications made herein and in light of the following remarks.

The present application discloses a light-emitting diode chip with an epitaxial semiconductor layer sequence that has an active zone which emits electromagnetic radiation, and an electrical contact structure comprising a radiation-transmissive electrical current expansion layer, which contains ZnO, and also an electrical connection layer. The current expansion layer is applied on the same layer of the semiconductor layer sequence onto which the connection layer is applied. See paragraph 0035 of the present specification. Also, paragraph 0037 says that "the cladding layer 5 is cleaned directly prior to coating". Therefore, prior to coating of cladding layer 5 there is nothing on its surface. Accordingly, when the coating is applied it must be applied "directly on" that just-cleaned surface. There is no intervening layer. This arrangement is also shown in the drawings which depict no intervening layers.

In contrast, Lee discloses a transparent electrode 35 and a contacting metal 36 that are applied on different layers, i.e. the transparent electrode 35 is formed on a p-type contact layer 34 and a contacting metal 36 is formed in a hole on a cladding layer 33, wherein the hole passes through the transparent electrode 35 and the p-type contact layer 34 (see Fig. 3C; col. 4, lines 18-24). Thus, as taught in Lee, the current expansion layer (i.e. the transparent electrode 35) is not applied directly on the same semiconductor layer on which the connection layer (i.e. metal 36) is applied.. Rather, there is an intermediate layer (i.e. p-type contact layer 34) between the current expansion layer (i.e. the transparent electrode 35) and the cladding layer 33.

The above-presented argument has been previously presented in the AMENDMENT dated May 5, 2005. However, in the Response to Arguments portion on page 9 of the Office Action, the Examiner states the following:

"Applicant's arguments filed 09 Mar. 2005 have been fully considered but they are not persuasive. The Applicant argues that Lee does not disclose the current expansion layer is applied on a cladding layer of the semiconductor layer. It is apparent that the Applicant interpretation of the word 'ON' is 'in direct contact with'. However, the Examiner submits that the word 'ON' also means 'in close proximity with'. For this reason, Lee expansion layer 35 would read on the claimed limitation. It is noted that the feature upon which the Applicant relies on is not recited in the rejected claim."

In view of the Examiner's just-quoted statement, claim 1 has been revised hereinabove to explicitly state that "the current expansion layer is applied directly on a cladding layer" and that "the connection layer is applied directly on said cladding layer." According, there is no longer room for the Examiner's interpretation that the claim, as amended, reads on Lee. As explained above, Lee does not disclose this feature. Accordingly, it is respectfully submitted that claim 1 is certainly not anticipated by Lee. Moreover, claim 1 is clearly unobvious over Lee under 35 USC 103(a) because Lee does not disclose, teach or even hint at use of such a feature. Moreover, there is no motivation for Lee to do so. Accordingly, claim 1 is clearly allowable over Lee.

The secondary references as applied by the Examiner include nothing that is usable to bridge the above-described gap between the present claimed invention and Lee. Accordingly, claim 1 is allowable over all of the references cited by the Examiner when applied either singly or in combination.

The remaining claims are all dependent, either directly or indirectly, on claim 1 and, thus, each is allowable therewith. Moreover, each of these claims includes features which serve to even more clearly distinguish the present invention over the applied references.

It is respectfully submitted that this Amendment should be entered because it does not raise any new issues requiring further consideration and/or search. Accordingly, such action is respectfully solicited.

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By


Thomas Langer
Reg. No. 27,264
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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